# CHAPTER 13   Municipal Utilities

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## ARTICLE I   Water

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Sec. 13-1-10.   Creation of Water Department.

There is hereby created and established a Water Department of the Town for the purpose of management, maintenance, care and operation of the water works of the Town.

(Ord. 91, 1977, §1)

Sec. 13-1-20.   Administrator; powers.

The Mayor and the Board of Trustees shall have the immediate control and management of all things pertaining to the Town water works system, and they shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works. The Mayor, subject to the approval of the Board of Trustees, may select a Public Works Director to assist them in carrying out their functions. The Board of Trustees of the Town water works may by resolution prescribe such other and further rates, rules and regulations as it may deem necessary.

(Ord. 91, 1977, §2; Ord. 2010-06, §1)

Sec. 13-1-30.   Receipts and deposits.

The Town Clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to consumers, collect the same, and deposit the proceeds so collected with the Town Treasurer to the credit of the Water Works Fund of the Town, and in accordance with the direction of the Board.

(Ord. 91, 1977, §3)

Sec. 13-1-40.   Inspections.

Whenever the Mayor, the Board of Trustees of the Town Water Works and Public Works Director deem it necessary, they may inspect the premises or buildings of any water consumer for the purpose of examining the condition of all pipes, motors, meters and water fixtures, or the manner in which the water is used. They shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water.

(Ord. 91, 1977, §4; Ord. 1-98, 1998, §1)

Sec. 13-1-50.   Application for water.

Application for the use of water shall be made to the Town Clerk by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required.

(Ord. 91, 1977, §5)

Sec. 13-1-60.   Composition of water utility.

All water and water rights, water works and appurtenances thereto, machinery, equipment and supplies used by the Town to supply its water users with water shall be known as the "Water Department"; provided, however, that the water service line from the meter riser or curb stop, whichever is closer to the water main, to the structure or property served shall be regarded as the property of the owner of said structure or property served.

(Ord. 91, 1977, §6)

Sec. 13-1-70.   Fire hydrants a part of Water Department.

All fire hydrants shall be a part of the Water Department and shall be kept in repair by the Water Department. Every hydrant shall be tested at least twice annually by the Water Department or other authorized Town employee.

(Ord. 91, 1977, §7)

Sec. 13-1-80.   Operation of fire hydrants.

No person, other than a firefighter of the South East Weld County Fire Protection District or other authorized Town employee, shall open or operate any fire hydrant without permission from the Mayor or Public Works Director.

(Ord. 91, 1977, §8)

Sec. 13-1-90.   Damage to property of Water Department prohibited.

It is unlawful for any person to in any way damage property, equipment or appliances constituting or being a part of the Water Department.

(Ord. 91, 1977, §9; Ord. 1-98, 1998, §1)

Sec. 13-1-100.   Interference with Water Department prohibited.

It is unlawful for any person to trespass upon the property of the Town, to tap any water mains or make any connections therewith, in any manner to interfere in the Town or the property, equipment, pipes, valves or any other appliances of the Town, or to change or alter the position of any valve or appliance regarding the flow of water in any pipeline.

(Ord. 91, 1977, §10; Ord. 1-98, 1998, §1)

Sec. 13-1-110.   Change of water use outside town limits prohibited.

Outside of the corporate limits of the Town, it is unlawful for any persons to alter, change, enlarge or extend in any manner whatsoever the type of use for which water, as of the effective date of the ordinance codified herein, was taken and used from the Water Department, except as provided herein.

(Ord. 91, 1977, §11; Ord. 1-98, 1998, §1)

Sec. 13-1-120.   Connections to water mains and lines.

It is unlawful for any person to make any connection with any water pipeline main which forms a part of the Water Department except pursuant to and in accordance with the permit required by this Article. It is unlawful to make any connections with any privately owned water mains or pipelines which are connected with the water utility of the Town or to change, alter or renew any presently existing private main or pipeline connected with the water utility of the Town with any pipe larger than that in use as of the effective date of the ordinance codified herein, except as provided herein.

(Ord. 91, 1977, §12; Ord. 1-98, 1998, §1)

Sec. 13-1-130.   Permit required; application contents.

Any person desiring to make a connection to the Water Department to use water therefrom shall make written application to the Town Clerk for a permit to do so. The application shall state the name of the person to whom the permit is to be issued, the size of the tap, the corporation cock and the water service line, the location thereof, the premises upon which the water is to be used and the purpose for which the water is to be used.

(Ord. 91, 1977, §13)

Sec. 13-1-140.   Types of permits.

There shall be the following four (4) types of permits to make connections with the Water Department:

(1) Permit for the purpose of connecting a water service line from a main for the water utility to the meter pit or curb stop. When such service line is installed, a meter pit or curb stop shall be installed as provided in Section 13-1-330. No water shall be taken or used under this permit except for construction purposes.

(2) Permit to connect to the water utility for the purpose of taking and using water for normal municipal purposes, that is, domestic, commercial or industrial. After approval, at the time this permit is granted, the plant investment fee as prescribed in Section 13-1-560 of this Article, together with all other costs attending the granting of permission to take and use water from the utility of the Town, shall be paid.

(3) Permit to enlarge an existing tap to the water utility for the purpose of taking and using water for normal municipal purposes, that is, domestic, commercial or industrial. After approval and at the time this permit is granted, the additional plant investment fee as prescribed in Section 13-1-560 of this Article shall be paid.

(4) A permit to take or use water from the Water Department to serve property situated outside the corporate limits of the Town. This permit shall be issued only under such terms and conditions as the Mayor and Board of Trustees may provide by ordinance or resolution. At the time the permit is granted, the additional plant investment fee as provided in Section 13-1-560 of this Article shall be paid for each individual service.

(Ord. 91, 1977, §14)

Sec. 13-1-150.   Payment of fees.

In all cases where a charge is provided by law for making a connection to the water utility, the amount of said charge shall be tendered to the Town when the application for the connection permit is approved.

(Ord. 91, 1977, §15)

Sec. 13-1-160.   Permit contents.

Permits required by Section 13-1-140 of this Article shall be issued by the Town Clerk and shall state the name of the person to whom the permit is issued, the date of the permit, the size of the tap, the corporation cock and the water service line and the premises upon which the water is to be used, and the purpose of the permit as set forth in Section 13-1-140.

(Ord. 91, 1977, §16)

Sec. 13-1-170.   Taps to water utility.

All taps or connections to any part of the Town water utility shall be made in accordance with the terms and conditions of the permit issued therefor. All such taps or connections shall be inspected by the Town.

(Ord. 91, 1977, §17; Ord. 1-98, 1998, §1)

Sec. 13-1-180.   Water service lines; general regulations.

(a) All service lines shall be of copper, or other suitable material as determined by the Town. Corporation cocks, meter risers or curb stops and service lines shall be of the type specified by the Town. The service line from the meter pit or curb stop to structure to be served shall be installed by the water user at his or her expense.

(b) On existing Town facilities, the Town shall specify the corporation cock and the service line between the main and the meter pit or curb stop and shall supervise the tapping of the main at the water user's expense as provided for in other sections of this Article.

(c) Service lines now in use made of materials other than copper shall be replaced by copper lines at the expense of the user when, in the opinion of the Town, such lines have become so disintegrated as to be unfit for further use. Once such lines have been replaced with copper, at the expense of the property owner, the Town shall assume the maintenance of the service line between the water main and the meter pit, meter or curb stop, whichever is closer to the water main.

(d) The water service line from the street main to the water distribution system of the building to be served with water shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand, and in no case shall be less than three-fourths-inch nominal diameter.

(e) In case the water user desires to disconnect his or her premises, he or she shall not be permitted to take up that portion of the service line between the main and the curb stop or the meter pit or take up the meter pit, but at his or her expense the water shall be shut off at the corporation cock, and all appliances from the water main to and including the meter pit shall remain in the ground and become the property of the Town. New services to replace inadequate existing services shall not be approved by the Town and the water shall not be turned on until old service lines are dug up and the corporation cock shut off at the main.

(Ord. 91, 1977, §18; Ord. 1-98, 1998, §1)

Sec. 13-1-190.   Depth of water service lines.

All service lines shall be laid at least fifty-four (54) inches below the established grade of the street from the water main to the curb stop. When the main is of greater or lesser depth, the service line shall be brought to the required depth as soon as possible after leaving the tap.

(Ord. 91, 1977, §19)

Sec. 13-1-200.   Excavation and backfilling.

All excavation and backfilling in the street or alley shall be in conformance with this Article and other ordinances of the Town.

(Ord. 91, 1977, §20)

Sec. 13-1-210.   Installation of water line before paving of street.

Before any street containing a water line is paved, the Town shall cause to be installed all service lines with meter pits or curb stops and meter risers, as the Town determines necessary to serve said property when fully developed.

(Ord. 91, 1977, §21)

Sec. 13-1-220.   Individual service line for each property required.

Each building shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) building to another building.

(Ord. 91, 1977, §22; Ord. 1-02, 2002)

Sec. 13-1-230.   Maintenance of service lines and fixtures.

The owner of any property connecting to the Town water utility shall be responsible for the maintenance of the water service line from the meter pit or curb stop, whichever is closer to the water main, to the structure being served and shall keep this line in good condition, and at his or her expense shall at all times keep all pipes, fixtures and appliances on his or her property tight and in good working order so as to prevent waste of water.

(Ord. 91, 1977, §23)

Sec. 13-1-240.   Restrictions on sprinkling.

The use of water from the water utility for lawn sprinkling purposes may, upon recommendation of the Water Superintendent be prohibited or restricted as determined by resolution of the Board of Trustees. Such order shall be effective when notice thereof is published once in a newspaper or circulated within the Town. Upon publication of such notice, the sprinkling restrictions or prohibitions so prescribed shall take effect, and any violator thereof may be punished by penalties as provided by this Article. Water shall not be used through hoses or pipes without nozzles or sprinklers attached thereto; this regulation shall apply to all users of water service. The setting of sprinklers or nozzles so as to interfere with traffic, sidewalks or drain into the gutters or streets is prohibited.

(Ord. 91, 1977, §24)

Sec. 13-1-250.   Emergency restrictions; authority of Mayor.

In the event of a major fire or any other emergency that should require the immediate curtailment of the use of water from the water utility, the Mayor shall have the authority to make such restrictions as he or she deems necessary for the protection of the public.

(Ord. 91, 1977, §25)

Sec. 13-1-260.   Repairs, extensions and maintenance; shut-off of water.

Water may be shut off from any street main when necessary to repair the main or to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water utility, and no claim shall be made against the Town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off water for repairing and relaying mains, hydrants or other connections.

(Ord. 91, 1977, §26)

Sec. 13-1-270.   Authority to turn on water.

It shall be unlawful for any person other than a duly employed person of the Town to turn on water to any premises, lot, building or house when the water has been shut off under the provisions of this Article.

(Ord. 91, 1977, §27)

Sec. 13-1-280.   Cross-connections prohibited.

It shall be unlawful for any person to have a cross-connection between a private line carrying well water and a line carrying water from the water utility.

(Ord. 91, 1977, §28)

Sec. 13-1-290.   Observance of rules and regulations required.

No person may be served with water from the water utility unless he or she agrees to and abides by all the rules and regulations of the Town pertaining to the use of said water.

(Ord. 91, 1977, §29)

Sec. 13-1-300.   Reservation of rights by Town.

The use of water under the provisions of this Article shall not constitute or be deemed to be a relinquishment of any water or water right by the Town, and the Town reserves the full right to determine all matters in connection with the control and use of said water.

(Ord. 91, 1977, §30)

Sec. 13-1-310.   Use of water by other than utility customers prohibited.

It shall be unlawful for any person having water service hereunder to permit any other person to take or use water from his or her said water service for use on property not connected to the Town water utility, except as provided herein.

(Ord. 91, 1977, §31; Ord. 1-98, 1998, §1)

Sec. 13-1-320.   Water meters; requirements and installation.

(a) All water services shall be metered.

(b) All meters shall be of a size, type and design approved by the Board of Trustees and shall be installed in a readily accessible location for the meter reader. Each meter shall be inspected by the Town and shall be properly adjusted before installation.

(c) A record shall be made and preserved of each meter installed, giving the location, serial number and size of the meter. All meters shall be installed with a stopcock on each side of the meter. Meters may be inspected at any reasonable time by the Town.

(d) Lawn taps on service lines between the water main and the meters are prohibited.

(Ord. 91, 1977, §32)

Sec. 13-1-330.   Test of water meters required.

Each water meter shall be tested either by the Water Department or the manufacturer and shall be found to be correct and properly adjusted before being installed. If the test is made by the manufacturer, a report of such test result shall be furnished to the Town prior to the installation.

(Ord. 91, 1977, §34)

Sec. 13-1-340.   Location and installation of meters.

In residential areas, the water meter shall be installed in a frostproof meter pit at a location specified by the Town. The meter shall be installed in an approved manner with stopcocks on both sides of the meter. In other areas meters shall be installed in locations approved by the Board of Trustees.

(Ord. 91, 1977, §35)

Sec. 13-1-350.   Maintenance of meters.

All water meters shall be maintained by the Town and shall be tested and repaired as necessary and not less than at least once in each ten-year period. The cost of repairing any damage to the water system caused by the water user shall be paid by the property owner and added to and considered a part of the charge for water service.

(Ord. 91, 1977, §36)

Sec. 13-1-360.   Meter interference and bypass.

It shall be unlawful for any meter user under the meter rates as set forth in this Article or for any other person to tamper or interfere with any meter or meter seal or to so arrange his or her water service or piping that the use of water will not actuate the meter. The Town shall discontinue water service immediately to any user who violates the provisions of this Section until satisfactory payment has been made for all water used and all repairs to the meter are paid.

(Ord. 91, 1977, §37)

Sec. 13-1-370.   Size of water mains.

The size of the main required to serve any part of the Town shall be determined by the Water Department. No main less than four (4) inches in diameter shall be placed in the water distribution system.

(Ord. 91, 1977, §38)

Sec. 13-1-380.   Extension of water mains; payment of costs.

(a) When water mains are extended, the property owners benefited thereby, as determined by the Town, shall pay all of the cost of extending such mains insofar as such costs relate to the size main required to serve the property benefited. In the event the Town requires that such main be of a size larger than that necessary to serve the property for which the main is extended, the Town water utility shall pay the additional cost incurred on such amount. Main extensions are to be paid prior to the issuance of a new service tap.

(b) The Board of Trustees shall promulgate rules and regulations setting forth the methods of determining the portion of the cost of main extension to be borne by the Town, which regulations shall be submitted to the Board of Trustees for approval.

(Ord. 91, 1977, §39)

Sec. 13-1-390.   Extension of water mains in subdivision.

All water mains required to serve a platted subdivision, including cross-connecting mains, shall be installed at the cost of the subdivider. The subdivider shall install mains to the farthest point of his or her subdivision.

(Ord. 91, 1977, §40)

Sec. 13-1-400.   Reimbursement of subdivider for water main extension.

When a subdivider finds it necessary to bring water service from the existing water system through vacant property to his or her platted subdivision, or construct lines on the perimeter of said subdivision, the subdivider shall pay the cost of the original construction. The size of the mains shall be determined by the Town, and where the required mains are larger than six (6) inches, the Water Department shall pay a percentage of the cost as set forth in Section 13-1-390. At the time of annexation, or as the property abutting such water main is developed and connections are made to said water main, the Town may collect a charge assessed in relation to the benefit to the affected property, based upon the original construction cost, and if so collected, the Town shall reimburse the original subdivider to the extent of the collection so made, less any costs incurred by the Town. In no event shall the actual amount so paid to the subdivider by the Town exceed the original costs to the subdivider of the excess extension.

(Ord. 91, 1977, §41)

Sec. 13-1-410.   Expiration of reimbursement right.

The subdivider's right to reimbursement under a water main extension contract shall not exceed a period of three (3) years from the date of the execution of said contract, and all payments shall cease at that time regardless of the amount that has at that time been received by the subdivider unless, upon the recommendation of the Water Department, the Board of Trustees, shall approve a contract exceeding three (3) years, subject to renewal at the option of the Town.

(Ord. 91, 1977, §42)

Sec. 13-1-420.   Subdivision extensions constructed under private contract.

The subdivider shall install the main in his or her subdivision by private contract, subject to approval of the plans and specifications by the Town and to the Town's inspection of actual construction.

(Ord. 91, 1977, §43)

Sec. 13-1-430.   Construction and financing of connecting loops.

Connecting loops and crossties within a subdivision shall be constructed by the subdivider. If ties or connections are made to such line, the reimbursement provisions of the above sections of this Article shall apply. Connecting loops in the nature of a general improvement of the water system shall be financed by the Town. Before any abutting property shall connect to such mains constructed at the expense of the Town, the charge based on assessments in proportion to benefits received by the property to be served shall be collected by the Town.

(Ord. 91, 1977, §44)

Sec. 13-1-440.   Financing of extensions not in subdivision.

Extension of water line to serve property within the Town, but not a part of a subdivision platted after the adoption of this Article, may be financed by special improvements district assessment against the benefited property.

(Ord. 91, 1977, §45)

Sec. 13-1-450.   Extent of extension.

All water main extensions shall be made to the farthest limit of the property to be served.

(Ord. 91, 1977, §46)

Sec. 13-1-460.   Extension on perimeter of Town.

Water main extensions along streets or easements lying partly inside and partly outside the Town limits may be made on the basis of special assessment against abutting property owners. The Town may pay the assessment on land lying outside the Town limits and if so paid may make provision for the collecting of such payment from these property owners at the time the land is annexed.

(Ord. 91, 1977, §47)

Sec. 13-1-470.   Replacement of private mains.

No credit will be allowed for existing private mains when replaced by the Town mains.

(Ord. 91, 1977, §48; Ord. 1-98, 1998, §1)

Sec. 13-1-480.   Payment of water charges.

(a) All charges for the use of water as provided for in this Article are due and payable at the Town Hall. All charges are delinquent thirty (30) days after the date of the bill. No partial payments shall be accepted. A combined "past due statement" and ten-day cut-off notice will be sent to the customer if the bill has not been paid within twenty (20) days from date of billing and the past due balance is more than twenty-five dollars ($25.00).

(b) When water is once turned on to any premises, there shall be a charge levied for turning the water off, and once turned off, a charge levied for turning services on again when the turn-off was made for nonpayment of the bill or failure to abide by the rules and regulations as set forth in this Article. The charges levied pursuant to this Section shall be the charges set forth in the Fee Schedule adopted by the Board of Trustees, either by ordinance or resolution.

(c) When property is disconnected from the Town's water system, the application and connection fees provided for in Section 13-1-550 of this Article apply. If no charge for services on an existing tap has been made in over one (1) year, a fee of two hundred dollars ($200.00) shall be paid to the Town Clerk before water service shall be restored to the property, plus a maintenance fee of twenty-five dollars ($25.00) per year for each year that existing service was not in use.

(d) The charge for water on a monthly basis taken through a meter inside the corporate limits of the Town shall be as set forth in the Fee Schedule adopted by the Board of Trustees by ordinance or resolution.

(e) When multiple units are connected to a single meter, charges shall be billed in accordance with the rates shown on the water rate schedule set forth in the Fee Schedule.

(f) The metered rate for all users outside Town limits shall be set forth in the Fee Schedule. All users outside the corporate limits of the Town shall be on individual meters.

(Ord. 91, 1977, §49; Reso. 11/26/79; Reso. 11/9/93; Ord. 1-98, 1998, §1; Ord. 1-02, 2002; Ord. 2008-02, 2008, §1)

Sec. 13-1-490.   Charges in event of meter failure.

If any meter shall fail to register in any billing period, the water user shall be charged according to the average quantity of water used in a similar period.

(Ord. 91, 1977, §50)

Sec. 13-1-500.   Effective date of billings.

Billing for water service and any other notices relating to the water utility shall be effective upon mailing said billing or notice to the last known address of the water user as shown on the records of the Town Clerk.

(Ord. 91, 1977, §51)

Sec. 13-1-510.   Unpaid charges; enforcement of charges.

The Board of Trustees may enforce the payment of any charge by discontinuing service to the premises at which the charge arose without regard to the ownership or occupancy of such premises. Payment in advance, or deposit in lieu thereof, may be required by the Board of Trustees to whatever extent it finds such practice conducive to prompt payment of amounts due on account of water service.

(Ord. 91, 1977, §52)

Sec. 13-1-520.   Termination of service for failure to pay charges.

In case any water user shall fail to pay all charges as prescribed by this Article, the Water Department may shut off the water and the water shall not be turned on again until all charges, together with the charge for turning off and turning on the water, are paid.

(Ord. 91, 1977, §53)

Sec. 13-1-530.   Water plant investment fee.

Any applicant desiring to take and use water from the water utility of the Town shall pay to the Town, through the office of the Town Clerk, a water plant investment fee for each individual service pursuant to the schedule of fees prescribed by Section 13-1-550 of this Article. Such fee shall be paid in full prior to the time that water is taken and used for a purpose other than for construction purposes. Said fee shall be in addition to all other charges described in this Article.

(Ord. 91, 1977, §54; Ord. 1-02, 2002)

Sec. 13-1-540.   Tap and main charges.

A charge shall be made by the Town to cover the costs incurred in making a tap on the Town line pursuant to this Article, which charge shall be made and collected at the time the permit is issued for connecting to the Town service in cases where the Town makes the tap. Such charges shall be set forth in the Fee Schedule.

(Ord. 91, 1977, §55; Ord. 1-02, 2002)

Sec. 13-1-550.   Schedule of water plant investment fees and/or tap charges.

(a) Plant investment fees shall be charged to metered users both in the Town and out of Town and paid as set forth in the Fee Schedule adopted by the Board of Trustees by ordinance or resolution.

(b) In the event a water user from the water utility of the Town shall apply for and obtain permission to increase the size of his or her tap, he or she shall pay an additional water plant investment fee to the extent of the difference between the original tap and the larger one as prescribed by the Fee Schedule.

(c) The tap fee for each user desiring to make a tap in excess of five-eighths (5/8) inch shall be determined by contract between the Town and the user. The amount determined by any such contract shall not be disproportionate to the tap fees established by the foregoing section of this Article.

(Ord. 91, 1977, §56; Reso. 11/26/79; Ord. 7-98, 1998, §1; Ord. 1-02, 2002)

Sec. 13-1-560.   Unlawful to injure or destroy public property.

It shall be unlawful for any person to willfully, maliciously, wantonly or negligently destroy real or personal property or improvements thereto belonging to the Town.

(Ord. 91, 1977, §58)

Sec. 13-1-570.   Wasteful use of water unlawful.

It shall be unlawful for any person to make any use of water in violation of the rules and regulations of the Water Department, nor shall any person allow the wasting of water by excessive sprinkling of lawns or yards or by allowing water to run in any fashion without proper purpose. Any use of water contrary to the rules and regulations of the Water Department shall be presumed to be wasteful use of water and a violation of this Section.

(Ord. 91, 1977, §59; Ord. 1-02, 2002)

Sec. 13-1-580.   Unlawful to damage ditches.

It shall be unlawful for any person to willfully, maliciously, wantonly or negligently fill up, obstruct or otherwise damage any lawfully constructed ditch.

(Ord. 91, 1977, §60)

Sec. 13-1-590.   Unlawful to trespass upon or pollute water or unlawfully connect to facilities of the Water Department of the Town Water System.

(a) It shall be unlawful for any person to trespass upon, injure, tamper, meddle or interfere in any way with the works, lakes, reservoirs, dams, tank sites, streams, ditches, trenches, pipes, meters, drains, filters, valves, gauges, devices, grounds, enclosures, buildings, structures, water treatment or testing facilities or other equipment, properties or works owned, controlled or managed by the Water Department, or to pollute or contaminate any of the waters in, or of, said system, at any place, in or along the same.

(b) It shall be unlawful for any person directly, or indirectly, to defile, pollute or contaminate, or to cause, authorize or permit to be defiled, polluted or contaminated any waters, streams, waterways, water courses, tributaries, properties or equipment, whereby the water supply of the Town or the areas of the Water Department services shall become impure, unwholesome, unfit or dangerous for human use or consumption.

(Ord. 91, 1977, §61)

Sec. 13-1-600.   Penalties.

Violation of Sections 13-1-580, 13-1-590, and 13-1-600 of this Article shall be a violation of this Article. Any person convicted of violating such Article may be punished as set forth in Section 1-4-20 of this Code. In addition, he or she may be assessed costs not to exceed twenty-five dollars ($25.00) for trial to the court and one hundred dollars ($100.00) for trial by jury.

(Ord. 91, 1977; Ord. 1-98, 1998, §1; Ord. 1-02, 2002)

Sec. 13-1-610.   Water rights; Dawson, Denver, Arapahoe, Laramie-Fox Hills and Dakota Aquifers.

(a) The Town hereby claims, appropriates and incorporates into its municipal service plan all rights, title and interest in and to ground water and water rights in the Dawson, Denver, Arapahoe, Laramie-Fox Hills and Dakota Aquifers and any other nontributary ground water underlying the lands within the boundaries of the Town as those boundaries existed on January 1, 1985. This Section does not apply to:

(1) Ground water that has been conveyed, reserved or where consent to use such ground water has been given or reserved in writing prior to the effective date of the ordinance codified herein to anyone other than the Town, and where such conveyance, reservation or consent has been properly recorded in the record of Weld County prior to the date of adoption of the ordinance codified herein.

(2) Ground water underlying land where water service is not reasonably available from the Town and no plan has been established by the Town allowing the landowner to obtain an alternative water supply.

(3) Ground water underlying land where water service is not being provided by the Town as of the effective date of the ordinance codified herein and such ground water is the subject of an application for determination of a right to use ground water filed in the Water Court prior to July 1, 1985.

(4) Any other provisions as are required by Section 37-90-137(8), C.R.S..

(b) Any person who applies for water service or a change in water service from the Town's water system or who applies for annexation to the Town as part of such application or petition and as part of the consideration thereof shall tender to the Town a properly executed deed conveying to the Town the water and water rights in said aquifers underlying the lands to which service is requested; and further shall warrant that he or she has not conveyed his or her interest in such water or water rights or the consent to use or withdraw ground water underlying such lands have not been conveyed to other persons or entities.

(c) No person other than the Town or its authorized agent may withdraw ground water subject to the ordinance codified herein or drill or otherwise construct a well for the purpose of withdrawing such ground water except as specifically allowed by the Water Court of the State.

(d) If any part or parts of the ordinance codified herein are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance codified herein. The Board of Trustees hereby declares that it would have passed the ordinance codified herein and each part or parts thereof irrespective of the fact that any part or parts would be declared invalid.

(Ord. 2-94, 1994, §§ 1-4; Ord. 1-02, 2002)

## ARTICLE II   Wastewater

[Sec. 13-2-10. Supervision.](#BK_AB203D976CA67FA721B3CB1FCCAC3F49)

[Sec. 13-2-20. Definition.](#BK_B8D76E3CB707FD0829C82E9DD37CE1B4)

[Sec. 13-2-30. Specific requirements.](#BK_9D933AC2EBE50ED3C43F91F3411E9434)

[Sec. 13-2-40. Specifications.](#BK_98122C41854E83798749C7EC6FE6B74C)

[Sec. 13-2-50. Inspection.](#BK_EFE57F5E32F1DEAC52F22A7EE99D2F62)

[Sec. 13-2-60. Wastewater system plant investment fees.](#BK_F8107ADFFEAA2E7CC94F3270C867A8B3)

[Sec. 13-2-70. Use of public sewers required.](#BK_17B509F41EE49512287EA87817595271)

[Sec. 13-2-80. Sewer connection classification.](#BK_AFBC1EEC218B07CA05F491654125C16E)

[Sec. 13-2-90. Compound taps.](#BK_907136249EC2B372B0ACEEEFBD64A1A1)

[Sec. 13-2-100. Workmanship and materials.](#BK_8F37B1C62D89BA4AB227C4AAFA5F4103)

[Sec. 13-2-110. Unlawful discharge.](#BK_D75635A507B6767BE48393B5DF792F4C)

[Sec. 13-2-120. Prohibited water alternatives.](#BK_F5028844181C626CB1DC74BACEA6695D)

[Sec. 13-2-130. Interceptors required.](#BK_4132599FE94E31728AF99051EE7E9151)

[Sec. 13-2-140. Lift station or special equipment.](#BK_BBB595BC79F712C3AF5698E8004844FE)

[Sec. 13-2-150. Pretreatment requirements.](#BK_52DBD8AB7CDD0BA598855386F38A0496)

[Sec. 13-2-160. Manholes required.](#BK_AC04140B9B1BC1D7F6F6641C82D94E0B)

[Sec. 13-2-170. Protection from damage.](#BK_F78105569E10E034848E06AF0DB4BF82)

[Sec. 13-2-180. Inspections.](#BK_8FEED84735D6C16D55BADE35E2F0E29D)

[Sec. 13-2-210. Violations; penalties.](#BK_E35E9465DE5C0E3DEE7CFA21576C73C8)

Sec. 13-2-10.   Supervision.

The Board of Trustees shall appoint a Sewer Inspector who shall be responsible for enforcing the provisions of the ordinance codified herein and whose compensation shall be fixed by the Board. Until the Board of Trustees makes such appointment, the Sewer Inspector appointed by the Keenesburg Sanitation District shall also be the Sewer Inspector for the Town.

(Ord. 56, 1955, §1; Ord. 1-98, 1998, §1)

Sec. 13-2-20.   Definition.

*Building* or *house sewer* means that part of the horizontal pipe which begins outside of the wall of a building and connects the house drain with the main public sewer, septic tank or other disposal terminal.

(Ord. 56, 1955, §2; Ord. 1-98, 1998, §1)

Sec. 13-2-30.   Specific requirements.

(a) Rain water leaders. Roof leaders, surface drains or ground water drains shall not be connected to the sanitary sewer.

(b) No oil or grease shall be deposited or placed into any sewer connection.

(c) Independent system. Each house sewer and drainage system shall be independent of that of any other building except as provided below:

Where one (1) building stands in the rear of another building located on an interior lot, the house sewer from the front building may be extended to the rear building and the whole considered as one (1) house sewer. Upon application to and approval by the Board of Directors of the Keenesburg Sanitation District, this provision can be modified.

(d) Use of public sewer required. Where a public sewer is accessible in a street or alley to a building or premises abutting thereon, the liquid wastes from any plumbing system in said building shall discharge into the public sewer unless otherwise authorized by the Board of Trustees.

(e) Connection to the main public sewer. Before any connection is made to a public sewer, an approved permit for such connection must be obtained from the Board of Trustees or its designated representative.

Each connection shall be made at the "Y" designated for that property. The only exception shall be where the designated "Y" is not located within three (3) feet of the point of measurement furnished by the local Board of Trustees. Any connection not made at the designated "Y" in the main sewer shall be made under the direct supervision of the Sewer Inspector.

(Ord. 56, 1955 §3)

Sec. 13-2-40.   Specifications.

(a) Material. All house sewers shall be constructed of either vitrified glazed clay sewer pipe conforming to the A.S.T.M. Standard Specifications for Clay Sewer Pipe (Designation C-13-44T) or extra heavy cast iron soil pipe or orangeburg conforming to A.S.T.M. Standard Specifications for Cast Iron Soil Pipe and Fittings (Designation A 74-29). Clay pipe shall be used up to the property line.

(b) Joints and connections.

(1) In joining vitrified glazed clay sewer pipe, the spigot of one (1) pipe must be carefully centered in the bell of the next pipe. Joints shall be firmly packed with okum or jute in such a manner as to not disturb the alignment of the pipes and in such a way as to permit the compound to have the greatest unobstructed surface for good pouring and adhesion. For a four (4) inch pipe, approximately one (1) ounce of dry, braided jute shall be used and for a six (6) inch pipe, approximately four (4) ounces of dry, braided jute shall be used. Joints shall be formed by means of a hot-poured compound of either thermoplastic synthetic resin or a bitumasic (coal tar) compound or equal, containing an inert filler and having high tensile and comprehensive strength, yet possessing sufficient cold flow to yield without breaking when subjected to slowly applied compressive forces. Jointing compound shall be completely resistant to any acid or alkaline condition found in ordinary sewage and shall be immune to attack by any chemicals found in natural soils or to soil bacteria. Care shall be exercised in placing the runner or snake to assure nonleakage during pouring and it shall not be removed until the compound is sufficiently cooled to be permanently set.

The jointing material shall be heated until it has become quite thin, thus causing it to pour freely and smoothly. The compound shall be poured continuously until the joint is completely filled, leaving no air bubble holes in the solidified mass. Pipes, before pouring, shall be dry and clean.

(2) Joints for extra heavy cast iron pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one (1) inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested.

(c) Size of house sewer. No house sewer shall be less than four (4) inches in diameter. No building or house sewer for a commercial building, multiple dwelling, bar, cafe, hotel, or service station, shall be less than six (6) inches in diameter. Where a four (4) inch house sewer is specified, either four (4) inch vitrified clay pipe or four (4) inch extra heavy cast iron soil pipe shall be used. Where any six (6) inch house sewer is specified, either six (6) inch vitrified clay pipe or six (6) inch extra heavy cast iron soil pipe shall be used. Sand traps approved by the Directors of said District shall be installed between any building and the sewer connection at all filling stations or any place where there is commercial vehicle washing or steam cleaning.

(d) Grades for house sewers. Unless otherwise authorized, all house sewers shall have a grade of not less than one-eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot should be used wherever practical.

(e) Trenching and backfilling. All excavations shall be open trench work unless otherwise authorized by the Sewer Inspector. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower third (1/3) of each pipe. Bell holes shall be dug to provide ample space for pouring of joints. Care must be exercised in backfilling below the center line of the pipe in order to give it proper support. Backfilling shall be placed in layers and solidly tamped or packed up to two (2) feet about the pipe. Backfilling shall not be done until final inspection is made by the Sewer Inspector.

(f) Use of old house sewers. Old house sewers or portions thereof may be approved for use by the Sewer Inspector. The Sewer Inspector may request that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to the public sewer.

(Ord. 56, 1955 §4)

Sec. 13-2-50.   Inspection.

Each and every part of the house sewer shall be inspected and approved by the Sewer Inspector before being concealed or backfilled.

(Ord. 56, 1955 §5)

Sec. 13-2-60.   Wastewater system plant investment fees.

Wastewater tap fees, plant investment fees and user fees shall be as such fees are set forth in the Fee Schedule.

(Ord. 1-02, 2002)

Sec. 13-2-70.   Use of public sewers required.

(a) Every occupied structure located within the Town shall be connected to the public wastewater collection system unless hereinafter excepted. It shall be unlawful for any person to deposit or allow to be deposited in any unsanitary manner on private or public property within the Town or any area under jurisdiction of the Town, any animal waste, garbage, excrement, manure or other objectionable waste or to allow the discharge of any such material in any water or waterway, except where suitable treatment has been provided as required by this Code.

(b) No person shall make any connection to the public sanitary sewer system, use, alter, disturb, uncover or make any entry into the public sanitary sewer system without consent of the administrative authority.

(c) Where a public sanitary sewer system is not available, either because of distance from any sanitary sewer mains or where terrain makes it impractical or impossible to connect to the sanitary sewer system, private sewage disposal systems may be allowed upon obtaining a permit from the Town. A private sewage disposal permit application shall be filed with the Town; such permit shall be a duplicate copy of the permit application filed with the Weld County Department of Health. The permit fee shall be the fee set forth in the Town Fee Schedule adopted and amended from time to time by the Board of Trustees. The permit shall not become effective until the installation is completed and has been inspected by the Weld County Department of Health and the proper Town administrative authority.

(1) When a public sanitary sewer system becomes available to the property or the property is able to connect to the sanitary sewer system main, which is within four hundred (400) feet of the property, then the building service line shall be connected to such sewer system within one hundred eighty (180) days and the private sewage disposal system shall be cleaned, inspected and filled with material approved by the Town.

(2) All costs and expenses incident to the installation and connection of the building service line and the service line connection to the sanitary sewer main shall be borne by the property owner. The property owner shall be responsible for any loss or damage that may be occasioned by the installation and connection of the building service line to the sewer main.

(Ord. 1-02, 2002)

Sec. 13-2-80.   Sewer connection classification.

There shall be two (2) classes of sanitary sewer connection: a residential class and a commercial/industrial class. Residential properties shall pay a plant investment fee and user fee as established by the Board of Trustees in the Town Fee Schedule. The commercial/industrial class shall pay a plant investment fee as set forth in the Town Fee Schedule and shall pay a user fee as set forth in the Town Fee Schedule. Any commercial or industrial facility which uses more than fifteen thousand (15,000) gallons of water per month or discharges any hazardous material as described in this Code into the sanitary sewer system shall pay a fee determined by the Board of Trustees. Such fee shall be determined by calculating the user's impact on the plant as a percentage of the total annual cost of the operation of the plant. Such amount shall be agreed upon between the user and the Board of Trustees and shall be updated no less frequently than biannually.

(Ord. 1-02, 2002)

Sec. 13-2-90.   Compound taps.

Compound taps or more than one (1) service line or the connection of more than one (1) building to a single service line is prohibited. The owner of one (1) or more lots, premises or buildings which are served by a single service line shall pay the full cost of making the taps and installing new service lines and shall be required to pay system development fees as are in existence at the time the compound tap is discovered. The owner may apply to the Board of Trustees for an exemption to the requirement of payment of system development fees if it is determined that the compound tap was legal at the time it was made and that separation will not increase a demand on the system.

(Ord. 1-02, 2002)

Sec. 13-2-100.   Workmanship and materials.

(a) Old and previously used service lines may not be used in connection with new buildings, except if they have been inspected and tested and approved by the Town's administrative authority.

(b) The size, slope alignment, materials of construction of a building service line and methods to be used for excavating, placing the pipe, jointing, testing, backfilling the trench, shall all conform to the requirements of the Uniform Building Code, the Uniform Plumbing Code and any other applicable rules or regulations of the Town.

(c) No person shall make connection of roof downspouts, exterior foundation drains or any other sources of surface runoff or groundwater to the sanitary sewer system.

(d) No building service line connected to the sanitary sewer system shall be used until a Certificate of Occupancy has been issued for the building and the service line has been inspected by the Town. Subsequent to such inspection and approval, a monthly user fee shall be due and payable until the service line is subsequently disconnected from the Town sanitary sewer system.

(Ord. 1-02, 2002)

Sec. 13-2-110.   Unlawful discharge.

(a) It shall be unlawful to discharge into the sanitary sewer system any of the following:

(1) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial water or any other water or material inappropriate to the sanitary sewer system; provided, however, the Public Works Director may grant a written exception to this subsection (a)(1) for the discharge of groundwater into the sanitary sewer system, subject to whatever conditions or requirements the Public Works Director may require, if the Public Works Director finds that such discharge is necessary or desirable for the protection of the public health, safety and welfare;

(2) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(3) Any waters or wastes containing toxic or poisonous soils, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, institute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes discharged to the public sewer;

(4) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(b) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the administrative authority, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the administrative authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150º) Fahrenheit (65º Centigrade);

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) Fahrenheit (0° and 65° Centigrade);

(3) Any garbage that has not been properly shredded; the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76hp metric) or greater shall be subject to the review and approval of the administrative authority;

(4) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the administrative authority for such materials;

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the administrative authority in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.0.

(c) Material which exerts or causes:

(1) Unusual concentrations of inert suspended solids, such as, but not limited to, Fullers earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;

(2) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions;

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works;

(4) Unusual volume of flow or concentration of wastes constituting slugs, as defined in this Chapter.

(d) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. 1-02, 2002; Ord. 2014-11, 2014, §1)

Sec. 13-2-120.   Prohibited water alternatives.

If any waters or wastes are discharged, or are proposed to be discharge to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 13-2-110 above and which in the judgment of the administrative authority may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the administrative authority may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(Ord. 1-02, 2002)

Sec. 13-2-130.   Interceptors required.

Grease, oil and sand interceptors shall be installed and properly maintained for all restaurants, carwashes, facilities routinely preparing meals for more than twenty (20) persons daily and in any other instance when in the opinion of the administrative authority they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the administrative authority, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 1-02, 2002)

Sec. 13-2-140.   Lift station or special equipment.

If any lift station, force main or other special equipment is installed by the Town or by any developer and subsequently dedicated to the Town, the property, properties or subdivision served by such special equipment shall be required to pay any additional monthly or annual user fee to provide for the additional maintenance, power or equipment required to service or maintain such lift station, force main or other specialized equipment.

(Ord. 1-02, 2002)

Sec. 13-2-150.   Pretreatment requirements.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously so as to effectively remove the offending material at the building owner's expense.

(Ord. 1-02, 2002)

Sec. 13-2-160.   Manholes required.

When required by the administrative authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with necessary meters and other appurtenances to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the administrative authority. Manholes shall be installed by the owner at the owner's expense and maintained by the owner so as to be safe and accessible to the administrative authority at all times.

(1) All measurements, tests and analyses as may be required by the administrative authority may be made at the control manhole. Test samples shall be taken by customarily accepted methods to reflect the effect of constituents upon the sewage works to determine the existence of hazards to life, limb or property. The analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate, or whether a grab sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

(2) No statement contained in this Section shall be construed as preventing any special agreement between the Town and any industrial user, whereby any industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial user.

(Ord. 1-02, 2002)

Sec. 13-2-170.   Protection from damage.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision is guilty of a misdemeanor and may be punished as set forth in this Code or as provided for by federal or state law.

(Ord. 1-02, 2002)

Sec. 13-2-180.   Inspections.

(a) Any employee of the administrative authority or any duly authorized agent of the Town bearing proper credentials and identification shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter.

(b) While performing the necessary work on private properties referred to in Subsection (a) above, the employee or agent of the Town shall observe all safety rules applicable to the premises established by the company or owner, and the company or owner shall be held harmless for injury or death to the agent or employee and the Town shall indemnify the company or owner against loss or damage to its property by the agent or employee and against claims and demands for personal injury or property damages asserted against the company or owner and growing out of the inspection, gauging or sampling operation, except as may be caused by the negligence or failure of the company or owner to maintain a safe workplace.

(c) An agent or employee of the administrative authority of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement, for the purpose of, but not limited to, the inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

(Ord. 1-02, 2002)

Sec. 13-2-210.   Violations; penalties.

Any person found to be violating the provisions of this Chapter may be served with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. If such violation is not corrected within the time stated in the notice, the violator may be charged with a violation of any section of this Chapter. For any violation which continues for more than one (1) day after the time set forth in the notice, each day such violation continues shall be considered a separate violation and constitute a separate offense. If any person, firm, corporation or other entity is convicted of violating any provision of this Chapter, they shall become liable to the Town for all expense, loss and damage occasioned by the Town as a result of such violation and be subject to a fine of not more than one thousand dollars ($1,000.00) for each violation or such other penalty as provided by law.

(Ord. 1-02, 2002)

## ARTICLE III   Utilities in General

[Sec. 13-3-10. Unlawful use.](#BK_51902634382F44C007741F594A804F34)

[Sec. 13-3-20. Utility connection required.](#BK_0791DF47230133EB93D450DB446E171F)

[Sec. 13-3-30. Compound taps disallowed.](#BK_BD3441CCD555F7EA2A2C1014E389C158)

[Sec. 13-3-40. Separate utility services required for certain structures.](#BK_ABD962FF3D17801FCF4E6B3DCA00DE15)

Sec. 13-3-10.   Unlawful use.

It shall be unlawful for any person to connect to or use the service of any utility without first complying with the requirements of this Chapter.

(Ord. 1-02, 2002)

Sec. 13-3-20.   Utility connection required.

Occupied structures shall be connected to appropriate utilities, including gas (if appropriate) and electric utilities prior to occupancy. No propane or liquefied petroleum gas tanks in excess of a fifteen-gallon capacity shall be allowed within the Town except in areas where compressed gas is unavailable.

(Ord. 1-02, 2002)

Sec. 13-3-30.   Compound taps disallowed.

All water and sewer utility taps shall be connected to the primary structure only on an approved lot, and no additional structure may be connected to such utility. No compound taps of any type shall be allowed. Each occupied structure shall have a separate water or sewer utility tap (except approved multi-family structures). For duplexes, each unit shall have a separate standard tap.

(Ord. 1-02, 2002)

Sec. 13-3-40.   Separate utility services required for certain structures.

Separate water and sewer service shall be provided to each unit in the following buildings:

(1) Duplexes shall have a separate water and utility service provided to each unit of the duplex.

(2) Separate water and utility service shall be provided to each unit of any building wherein separate units are divided by party walls and such party walls are located on lot lines.

(Ord. 1-02, 2002)

## ARTICLE IV   Backflow Prevention and Cross Connection Control Program

[Sec. 13-4-10. Purpose.](#BK_3F049A4379A8B94003A9C9FD5358E5C6)

[Sec. 13-4-20. Authority.](#BK_C725C6216C3DA8E728093F5788454F9C)

[Sec. 13-4-30. Applicability.](#BK_5F4897AD42B08E9B32CF221144F21CD6)

[Sec. 13-4-40. Definitions.](#BK_830784EB2AC8FF6275AD8CD42543D141)

[Sec. 13-4-50. Requirements.](#BK_0B4A97FF7418655E9C8B316DCD496B3E)

[Sec. 13-4-60. Inspection, testing and repair.](#BK_BDBC2CD40CF3C411FB819FCC5ACC2DFC)

[Sec. 13-4-70. Reporting and recordkeeping.](#BK_CD13350DCB8BED299861934CC5DCAAE5)

[Sec. 13-4-80. Right of entry.](#BK_6C4ED4007130BC1BCDA00404A3B395F8)

[Sec. 13-4-90. Compliance.](#BK_07A4581D4742CD0ECD029F760E72C661)

[Sec. 13-4-100. Violations; penalties.](#BK_8E4A18C027BD24CF002920577584EEEC)

Sec. 13-4-10.   Purpose.

The purpose of this Article is to protect the Town's water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-20.   Authority.

(a) The authority to implement this Article is contained in State laws and regulations, including, but not limited to, Article 1-114 and Article 1-114.1 of Title 25 of the Colorado Revised Statutes; Section 39 of 5 CCR 1002-11, Colorado Primary Drinking Water Regulations; and the Colorado Plumbing Code.

(b) The Town shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross connection.

(c) The Town may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly.

(d) The Town may impose fees for the administration of this Article by resolution of the Board of Trustees.

(e) The Town will maintain records of cross connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes.

(f) Except as otherwise provided herein, the Town shall administer, implement and enforce the provisions of this Article.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-30.   Applicability.

This Article applies to all commercial, industrial and multi-family residential service connections within the Town's water system and to any persons outside the Town who are, by contract or agreement with the Town, users of the Town's water system. This Article does not apply to single-family residential service connections unless the Town becomes aware of a cross connection at the single-family connection.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-40.   Definitions.

The following terms are defined below:

(a) *Active date* means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross connection in each calendar year.

(b) *Air gap* is a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.

(c) *Backflow* means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water system's distribution system from any source or sources other than its intended source.

(d) *Backflow contamination event* means backflow into a public water system from an uncontrolled cross connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

(e) *Backflow prevention assembly* means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross connection and is an in-line field-testable assembly.

(f) *Backflow prevention method* means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross connection.

(g) *Certified cross connection control technician* means a person who possesses a valid backflow prevention assembly tester certification from one (1) of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.

(h) *Containment* means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross connection into the public water system is prevented.

(i) *Containment by isolation* means the installation of backflow prevention assemblies or backflow prevention methods at all cross connections identified within a customer's water system such that backflow from a cross connection into the public water system is prevented.

(j) *Controlled* means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross connection.

(k) *Cross connection* means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.

(l) *Multi-family* means a single residential connection to the public water system's distribution system from which two (2) or more separate dwelling units are supplied water.

(m) *Single-family* means (1) single dwelling which is occupied by a single family and is supplied by a separate service line; or (2) a single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

(n) *Uncontrolled* means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross connection.

(o) *Water supply system* means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-50.   Requirements.

(a) Commercial, industrial and multi-family service connections shall be subject to a survey for cross connections. If a cross connection has been identified, an appropriate backflow prevention assembly and/or method shall be installed at the customer's water service connection within one hundred twenty (120) days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within one hundred twenty (120) days, the Town has the authority to take action to control or remove the cross connection, suspend service to the cross connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.

(b) In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.

(1) In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross connections within the owner's plumbing system.

(c) Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.

(d) Reduced pressure principle backflow preventers shall not be installed in manner subject to flooding.

(e) Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the State.

(f) All assemblies and devices shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The devices must be reinstalled and then tested by a certified cross connection control technician prior to the service being activated.

(g) Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

(h) All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a certified cross connection control technician.

(i) The Town will require inspection testing, maintenance and, as needed, repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and/or methods cannot be installed.

(j) All costs for design, installation, maintenance, testing and as needed repair and replacement shall be borne by the customer.

(k) No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

(l) For new buildings, all building plans must be submitted to the Town and approved prior to the issuance of water service. Building plans must show:

(1) Water service type, size and location.

(2) Meter size and location.

(3) Backflow prevention assembly size, type and location.

(4) Fire sprinkler system(s) service line, size and type of backflow prevention assembly.

a. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.

b. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.

c. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.

d. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system will not require the backflow protection. The public water system will measure chlorine residual at the service connection once a month and perform periodic bacteriological testing at the site. If the Town suspects water quality issues, the Town will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-60.   Inspection, testing and repair.

(a) Backflow prevention devices or methods shall be tested by a certified cross connection control technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.

(b) Any backflow prevention devices or methods that are non-testable, shall be inspected at least once annually by a certified cross connection control technician. The inspections shall be made at the expense of the customer.

(c) As necessary, backflow prevention devices shall be repaired and retested or replaced and tested at the expense of the customer whenever the devices are found to be defective.

(d) Testing gauges shall be tested and calibrated for accuracy at least once annually.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-70.   Reporting and recordkeeping.

(a) Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three (3) years.

(b) Copies of records of test reports, repairs and retests shall be submitted to the Town by mail, facsimile or e-mail by the testing company or testing technician.

(c) Information on test reports shall include, but may not be limited to:

(1) Assembly or method type;

(2) Assembly or method location;

(3) Assembly make, model and serial number;

(4) Assembly size;

(5) Test date;

(6) Test results including all results that would justify a pass or fail outcome;

(7) Certified cross connection control technician certification agency;

(8) Technician's certification number;

(9) Technician's certification expiration date;

(10) Test kit manufacturer, model and serial number; and

(11) Test kit calibration date.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-80.   Right of entry.

A properly credentialed representative of the Town or its designee shall have the right of entry to survey any and all buildings and premises for the presence of cross connections for possible contamination risk to and for determining compliance with this Article. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the Town's water distribution system.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-90.   Compliance.

(a) Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross connections, the Town shall have the authority to complete one (1) of the following actions within one hundred twenty (120) days of its discovery:

(1) Control the cross connection;

(2) Remove the cross connection;

(3) Suspend water service to the cross connection;

(4) Suspend water service to the property.

(b) The Town shall give notice in writing to any owner whose plumbing system has been found to present a risk to the Town's water distribution system through an uncontrolled cross connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply with the order.

(1) In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention devices or methods at all cross connections within the owner's water supply system. The notice and order will give a date by which the owner must comply with the order.

(2) In the event water service is suspended, the water customer and/or owner of the property to which the service is provided will be jointly and severally responsible for paying any cost and fees associated with recommencing water service in accordance with this Chapter.

(Ord. 2016-02, 2016, §1)

Sec. 13-4-100.   Violations; penalties.

Every person convicted of a violation of the provisions of this Article shall be punished by a fine as set forth in Section 1-4-20 of the Keenesburg Municipal Code, and each day such violation continues shall be considered a separate offense.

(Ord. 2016-02, 2016, §1)